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November 7, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2645

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 09/733,848; Filed: December 8, 2000
For: **System For Embedding Programming Language Content In VoiceXML**
Inventors: BYRNE *et al.*
Our Ref: 2222.0310000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Statement of Substance of Interview Under 37 CFR § 1.133; and

2. ONE (1) Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Thomas C. Fiala
Attorney for Applicants
Registration No. 43,610

TCF/mjg
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: BYRNE *et. al.*	Confirmation No.: 2028
Application No.: 09/733,848	Art Unit: 2645
Filed: December 8, 2000	Examiner: Simon P. Sing
For: **System for Embedding Programming Language Content in VoiceXML**	Atty. Docket: 2222.0310000

Statement of Substance of Interview under 37 CFR § 1.133

Attn: Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Interview Summary mailed with the Office Action dated October 5, 2005, Applicants submit the following statement of the substance of the telephonic interview conducted between the Examiner and the undersigned on June 23, 2005 in compliance with 37 CFR § 1.133.

During the interview of June 23, 2005, the undersigned noted that U.S. Patent Application Publication No. 2002/0198719 to Gergic *et al.* ("Gergic"), cited by the Examiner in the final office action mailed January 18, 2005, is not prior art against the claims of the present application under 35 U.S.C. § 102(e). In particular, the undersigned noted that because the alleged teachings of Gergic relied upon by the Examiner in rejecting claims 3-9, 11, 13-21, 23 and 25-28 find no support in U.S. Provisional Patent Application No. 60/251,085, to which Gergic claims priority, the appropriate prior art date for Gergic under 35 U.S.C. § 102(e) is December 4, 2001, not December 4, 2000. Thus, Gergic is not prior art against the claims of the present application, which was filed on December 8, 2000. Upon review of U.S. Provisional

Patent Application No. 60/251,085, the Examiner agreed with the undersigned and the final rejection was withdrawn.

The Examiner is invited to contact the Applicants' undersigned representative at the number provided with any inquiries regarding this Statement.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date: 11/7/05

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